

Case No. 3:21-cv-1277

Gwin, J.

obviously lacking in merit, or where . . . the necessary facts can be determined from the petition itself without need for consideration of a return.” *Allen*, 424 F.2d at 141.

The Court finds that the Petition must be dismissed. A federal court may entertain a habeas corpus petition filed by a person in state custody “only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). Federal habeas corpus review does not extend to questions of state law. *See Estelle v. McGuire*, 502 U.S. 62, 67–68 (1991) (“Today, we reemphasize that it is not the province of a federal habeas court to reexamine state-court determinations on state-law questions.”).

Despite Petitioner’s reference in his Petition to “the equal protection of the law,” the only claim he asserts in his Petition is a challenge to the amount of jail time credit he has been awarded in connection with a state sentence. Such a claim is matter of state law not cognizable on federal habeas corpus review. *See Kipen v. Renico*, 65 Fed. App’x 958, 959 (6th Cir. 2003) (the “computation of [a] prison term involves a matter of state law that is not cognizable under 28 U.S.C. § 2254”); *Howard v. White*, 76 Fed. App’x 52, 53 (6th Cir. 2003) (finding a prisoner’s claim that the trial court erroneously denied him jail time credit for time he was detained in jail prior to the imposition of his sentence was not cognizable in a federal habeas corpus proceeding). “A state court’s alleged misinterpretation of state sentencing guidelines and crediting statutes is a matter of state concern only.” *Howard*, 76 Fed. App’x at 53.

In that the Petition raises a state-law issue not cognizable on federal habeas corpus review, the Petition is denied and this case is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith and that there is no basis on which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c)(3).

IT IS SO ORDERED.

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Dated: August 9, 2021

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE